

REMARKS

Applicant respectfully points out the amendments made hereinabove to the claims which further clarify such claims.

The Examiner has stated in the Examiner's Statement of Reasons for Allowance the following: "[t]he prior arts fail to teach or suggest a method of generating audit data indicative [of a] request to execute a computer program, said method comprising the steps of: (i) responsive to a computer virus scan request within a computer virus scanner, performing a computer virus scan request and generating a scan result, said computer virus scan request including data identifying a computer file to be scanned for computer viruses; (ii) triggering operation of an audit data generator which is separate from said computer virus scanner, using said computer virus scanner prior to said generating said scan result, said audit [data] generator being responsive to said data identifying said computer file to be scanned that is received from said computer virus scanner for simultaneously performing additional operations in parallel with said computer virus scan, said additional operations including identifying a request to execute a computer program associated with said computer file to be scanned for computer viruses by said computer virus scanner, wherein said audit data generator logic is responsive to data identifying one or more banned computer programs to identify a request to execute a banned computer program; and (ii) in response to identification of said request to execute said computer program, generating audit data identifying said computer program; and (iv) performing a concurrent usage check for identifying a request to execute a further computer program that would result in said further computer program concurrently executing upon more than a predetermined number of computers upon computer network; wherein said predetermined number varies with time; wherein if said concurrent usage check indicates that said request to execute said further computer program would result in more than said predetermined number of computers upon said computer network concurrently executing said computer program, then said request to execute said further computer program is denied" (emphasis added).

In response, applicant points out that at least some of the independent claims (e.g. Claims 1, 19 and/or 37) are not necessarily limited to at least the emphasized features that the Examiner has highlighted above. Just by way of example, at least some of applicant's independent claims are not necessarily limited to a "method" as the Examiner notes. In addition, at least some of applicant's independent claims do not specifically state "a computer virus scan request within a computer virus scanner," as the Examiner further notes (emphasis added).

Furthermore, at least some of applicant's independent claims are not necessarily limited to "using said computer virus scanner prior to said generating said scan result," as the Examiner notes. Still yet, at least some of applicant's independent claims do not specifically state "more than said predetermined number of computers upon said computer network concurrently executing said computer program," as the Examiner notes (emphasis added-see amendments to the independent claims).

Clearly, at least some of the independent claims are not necessarily limited to the features that the Examiner has noted above in the Examiner's Statement of Reasons for Allowance, as emphasized above (by way of example only). Instead, each of the claims should only be limited by the language existing therein.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. For payment of the fees due in connection with the filing of this paper, the Commissioner is authorized to

charge such fees to Deposit Account No. 50-1351 (Order No. NAIIP456).

Respectfully submitted,  
Zilka-Kotab, P.C.

/KEVINZILKA/

Kevin J. Zilka  
Registration No. 41,429

P.O. Box 721120  
San Jose, CA 95172-1120  
Telephone: (408) 505-5100